

**PATENT****REMARKS**

Claims 1-21 are pending in the present application. In the above amendments, claims 6, 9, 12, and 19 have been amended, and claims 1-5, 8, and 18 have been canceled without prejudice.

In the Office Action mailed March 10, 2005, the Examiner objected to the specification because of certain informalities. In response thereto, Applicants have amended portions of the specification according to the Examiner's suggestions. Applicants note however, paragraph numbers. 1055, 1075, 1080, and 1082 do not appear to correspond to the Examiner's objections as set forth in the Office Action. Applicants therefore request that the Examiner verify the aforementioned paragraph numbers.

The Examiner provisionally rejected claims 6, 7, 10 and 11 under the judicially created doctrine of double patenting over claims 8, 10, 11 and 12 of copending Application No. 09/981,027. The Examiner further provisionally rejected claims 1, 2, 3, 4 and 5 under the judicially created doctrine of double patenting over claims 1, 3, 7, 4 and 5 of copending Application No. 09/981,027. The Examiner also provisionally rejected claims 12, 13, 14, 15, 16, 17, 20 and 21 under the judicially created doctrine of double patenting over claims 13, 14, 19, 16, 17, 21, 22 and 23 of copending Application No. 09/981,027. Applicants have cancelled claims 1-5 without prejudice or disclaimer and have amended independent claims 6 and 12 to include the limitations of respective dependent claims 8 and 18. Applicants respectfully submit that in view of these amendments, the aforementioned double patenting rejections set forth by the Examiner are now deemed moot.

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (U.S. Patent No. 6,665,309). Applicants respectfully submit that the aforementioned art rejection is now deemed moot in view of the cancellation of claims 1-5 without prejudice.

The Examiner further rejected claims 1, 3, 6, 8, 11, 12, 14, 18 and 21 under 35 U.S.C. 102(e) as being anticipated by Das et al. (U.S. Patent Publication No. 2002/0167992 A1). Applicants respectfully traverse this rejection as set forth by the Examiner.

In the rejection, the Examiner alleges that Das discloses demodulating a first control channel comprising an identity of at least one subscriber station and a number of control channels, and to demodulate a second control channel if the identity is identical to the identity of the subscriber station. The Examiner further alleges that Das discloses that when the first control

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channel information, the modulated second control channel information and the user information are received, the information in the first control channel is retrieved such that the demodulating operation can be performed on the second control and traffic channels in accordance with the primary control channel information and defined scrambling scheme. Applicants, however, respectfully disagree with the Examiner's interpretation of the Das reference.

Applicants respectfully submit that Das teaches to transmit signaling information of one type over a primary control channel and other signaling information over a secondary control channel that is scrambled in accordance with a particular scrambling procedure that indicates information that is to be sent over the primary control channel. Applicants respectfully submit, however, that Das fails to teach determining a position of the identity within the received first control channel, selecting a second control channel in accordance with said determined position, and demodulating said selected second control channel as is substantially claimed by claims 6 and 12 of the present invention as amended. Accordingly, because Das is devoid of any teaching of determining a position of the identity within the received first control channel, selecting a second control channel in accordance with said determined position, and demodulating said selected second control channel, Applicants respectfully submit that Das cannot possibly anticipate claims 6 and 12 of the present invention as amended.

The Examiner further rejected claims 2, 4, 5, 7, 9, 13, 15, 16, 17, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Das et al. (U.S. Patent Publication No. 2002/0167992 A1) in view of Hsu et al. (U.S. Patent No. 6,665,309). Applicants respectfully submit that claims 7, 9, 13, 15-17, 19, and 20 depend either directly or indirectly from independent claims 6 and 12 of the present invention and include all of the limitations thereof. Applicants further submit that since Hsu does not make up for any of the deficiencies outlined above with regard to claims 6 and 12, that these dependent claims are allowable thereover for at least the reasons outlined above.

**PATENT****CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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